

## ***REMARKS***

### ***1. Status***

This **Amendment** is in response to the final Office action dated 03/16/2007, and the Advisory action dated 08/08/2007. The final Office action rejected claim 2 under 35 USC 112 and rejected claims 1-3 and 6 (all claims under examination) under 35 USC 102. The Advisory action withdrew the rejection under 35 USC 112, but maintained the rejection of all claims 1-3 and 6 under 35 USC 102.

The rejection of claims 1-3 and 6 is traversed. Reconsideration and withdrawal are requested for at least the reasons discussed below.

### ***2. No Fee for Claims***

The number of total claims, the number of independent claims and the number of dependent claims are unchanged. There are no multiple dependent claims. No fee for claims is required.

### ***3. Request for Entry of AMENDMENT***

Each independent claim 1, 2 and 3 is amended to specify that the mating surfaces of the handle and the spiral thread follower are configured such that the thread follower freely rotates within the handle member. The revisions are supported for example in Figures 74 and 76, which depict the mating circular cross-sections of the lower tube section 534 of the thread follower 532 and the bore 538 of the handle 530; and in Figures 71 and 72, which depicts the assembly of the thread follower 532 with the handle 530..

No new matter is involved. Entry of this **Amendment** is requested

### ***4. Request for Withdrawal of Rejections under 35 U.S.C. 102(b)***

Independent claims 1, 2 and 3 and dependent claim 6/3 stand rejected under 35 U.S.C. 102(b) as being anticipated by US patent no. 4,759,398 to Renee ("Renee" or "Renee '398").

As amended, independent claims 1, 2 and 3 now specify the mating surface configuration of the spiral thread follower and the handle which allow free rotation of one relative to the other.

The examiner relies upon Figs. 9-11 of Renee, which disclose an embodiment comprising body 50 and sleeve 57. The examiner takes the position that body 50 and sleeve 57 rotate relative to one another.

However, as discussed at length in the Amendment dated 07/10/2007, (1) Renee does not mention rotation of the body 50 and sleeve 57 relative to one another; (2) the operation of Renee Figs. 9-11 requires that the body 50 and sleeve 57 do not rotate relative to one another, and (3) the embodiment of Renee, Figs. 9-11, is configured so that rotation of the body 50 and sleeve 57 is prevented.

Each of Applicant's independent claims 1, 2 and 3 now specifies applicant's rotatable follower/collar and handle combinations and mating surface configurations which permit free rotation. Dependent claim 6 incorporates the combination of claim 3. Renee does not teach or suggest the combinations specified in claims 1-3 and 6.

Reconsideration and withdrawal of the rejection of claims 1, 2, 3 and 6/3 under 35 U.S.C. 102 based upon Renee are requested.

## **5. Interviews**

On August 13, 2007, in a telephone interview, the examiner, Mr. Terrence Boes and the undersigned discussed Renee and the rejection of claims 1-3 and 6 under 35 USC 102. The undersigned referred to the discussion in the Amendment dated July 10, 2007, to the effect that Renee discloses a handle and captured sleeve which are designed to prevent relative rotation of one to the other, in contrast to applicant's claims 1-3 and 6/3, which define a thread follower which is rotatably captured within a handle. Applicant pointed out the use of language such as "rotatably captured" in the claims. Examiner Boes took the position applicant's claims relied on functional language, which may not be relied upon for patentability, citing MPEP section 2114. The examiner stated non-functional language would be considered.

On September 17, 2007, the examiner Mr. Boes and the undersigned briefly discussed the possibility of adding claim language specifying the configuration of the mating surfaces of the

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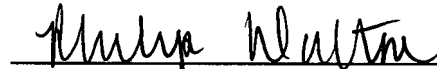
thread follower and handle. The examiner said such language would be considered. No agreement was reached. The present Amendment adds such language.

**6. Summary and Action Requested**

Entry of this Amendment is again requested. Reconsideration and withdrawal of the rejection(s) of claims 1-3 and 6 under 35 U.S.C. 102 are requested. Allowance of claims 1-3 and 6 is requested.

Respectfully submitted,

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